DOCUMENT RESUME

ED 456 945 RC 022 988

AUTHOR Juneau, Stan
TITLE A History and Foundation of American Indian Education Policy.
INSTITUTION Montana State Office of Public Instruction, Helena.
PUB DATE 2001-02-00
NOTE 61p.
AVAILABLE FROM For full text: http://www.opi.state.mt.us/PDF/IndPolicyHistory.pdf.
PUB TYPE Historical Materials (060) -- Opinion Papers (120)
EDRS PRICE MF01/PC03 Plus Postage.
DESCRIPTORS *American Indian Education; American Indian History; Boarding Schools; Community Involvement; Educational History; *Educational Needs; *Educational Policy; Elementary Secondary Education; *Federal Indian Relationship; Language Maintenance; Public Policy; Reservation American Indians; *Self Determination; Treaties; Tribally Controlled Education
IDENTIFIERS *Montana; *State Tribal Relationship

ABSTRACT

The educational system in Montana is not working for its American Indian students. Dropout rates continue to be extremely high, standardized tests scores are mostly below the state benchmark, curriculum and instruction are not oriented toward promoting Indian culture and history, and the local Board of Trustee system still does not promote involvement of tribal governments. This publication presents the history of educating Indian students in Montana in the hope that it will provide insight for the education community to create a more successful model. Six chapters cover the colonization of Indian tribes, the Indian treaty period, the allotment period and loss of Indian land, the federal boarding school era, the tribal reorganization period, and the termination of Indian tribes. A seventh chapter presents three models that may reduce the extremely high dropout rate among Montana's Indian students. These models propose training teachers to understand the history, culture, and contemporary contributions of Montana's Indians and to teach Indian students; using strategies to increase the percentage of Indian teachers; providing a curriculum of Montana Indian history, culture, and contemporary issues to all students; and establishing Indian language immersion schools. Appendices include 21 references and a chronology of important dates in Indian education. (TD)

Reproductions supplied by EDRS are the best that can be made
from the original document.

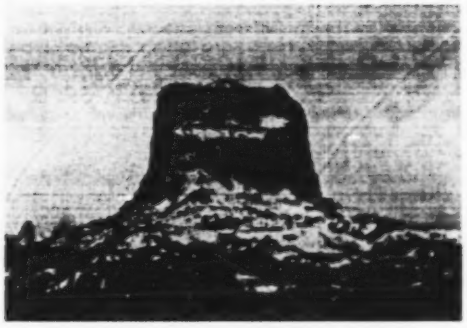
ED 456 945

A History and Foundation of American Indian Education Policy

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

- This document has been reproduced as received from the person or organization originating it.
- Minor changes have been made to improve reproduction quality.
- Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY
Stan Juneau
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."



Written by Stan Juneau
Blackfoot Tribe

Montana Office of Public Instruction
Linda McCulloch, Superintendent
February 2001

RC 022988

BEST COPY AVAILABLE

TABLE OF CONTENTS

Introduction Page 1

Chapter One – Colonization of Indian Tribes Page 4
- American Indian Policy
- Understanding the History of Indian Education
- An Intrusion Process
- Involuntary Minorities
- Colonization of Indian Tribes in Montana
- Artificial Boundary Lines

Chapter Two – Indian Treaty Period Page 8
- Declaration of Independence
- Documents Establishing Tribal Sovereignty and Treaty Rights
- Treaties
- Boundaries Established
- Treaty Period Ends
- Indian Treaties – State of Montana
- Loss of Land Base
- Indian Commerce Clause
- Education Clause Included in Treaties
- Enabling Act – Montana's Constitution
- Treaties with Montana Tribes Ends and Loss of Indian Land

Chapter Three – Allotment Period and Loss of Indian Land Page 14
- Property is the Function of any Society
- Dawes Act
- Merriam Report
- Montana – Allotment Period

Chapter Four – Federal Boarding School Era Page 19
- The Beginning of American Education Among Indians
- A New Direction
- The Rise of the Federal Indian Board School System
- A New Approach – Federal Boarding Schools
- Carlisle Indian School
- R.H. Pratt – Who was he?
- Student Recruitment
- Students Trip Back East
- Curriculum and Extra-Curricular Activities
- Summarization
- The Closing
- Boarding Schools and Montana

Chapter Five – Tribal Reorganization Period Page 28
- Indian Citizenship Act

- Indian Reorganization Act
- Tribal Constitutions
- Wheeler-Howard Act
- Johnson O'Malley Act
- Montana-Reorganization Period

Chapter Six – Termination of Indian Tribes Page 35
- Termination of Indian Tribes – The Final Solution
- Termination List Completed
- Resistance to House Concurrent Resolution 108
- Termination of Montana Tribes
- Little Shell Tribe of Montana

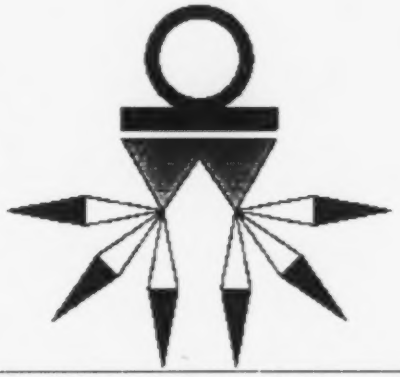
Chapter Seven – Beyond Indian Self-Determination Page 38
- Era of Self-Determination
- A Three-Legged Stool for Indian Education
- Montana – Preparing for the 21st Century
- Moving Beyond Indian Self-Determination in Education

Epilogue Page 46
- New Direction for Public Education on Indian Reservations
- Indians Given Access to Public Schools
- Has Montana Succeeded in Educating Indian Students?

About the Writer Page 48

Chronology of Important Dates in Indian Education Page 49

Quotes and Publications Used in Booklet Page 56



The whole education process must be recognized as fundamentally different when one passes from white society to Indian society. Education in white society appears to be a creator of communities. It is oriented toward the production of income-producing skills, and the housing, business, entertainment, and recreation sections of white communities

reflect this fact.

But in the tribal setting, communities are the producers of education. At least they were in the past, and we can make them so today. When communities produce education, the groupings of the community reflect the charisma, wisdom, and activities of the various parts of the community. The respective activities can be viewed in relation to their importance to the community. In that way, the sacredness of the community can be protected and developed.[1]

Introduction to Education

This publication is written not necessarily as a history of all that has happened in education in Montana and its Indian Nations, but more to spark an interest for the reader to further research what that history is and says. It is the hope of this writer that this publication will create an interest for the education community to create curriculum that includes, or answers, "As Montana evolved into its statehood, what involvement with Indian tribes took place during this particular event or time period?"

The story of Indian Education in America and in Montana is both complex and simple. Complex because the education process the past 400 years has been from another group of people's perspective and their attempt to change Indians to be the same as all other Americans. Simple when Indian people were left to educate themselves from a centuries' old and time-proven model. Complex when the American model determines the outcomes of teaching and instruction. Simple when Indian people taught from an oral tradition of history, culture and survival as a group. Complex when a government system determines the curriculum and standards for learning. Simple when the teaching involves the family and community.

This document relies on many published articles written by American Indian scholars. Going back and again reviewing the many writings of Indian scholars, one begins to remember current events that have taken place over the last half of the 20th century that involved family and friends. More importantly, it is an opportunity to begin to understand the wisdom of outstanding Indian leaders the past 400 years. It was quite an honor to read the words articulated by Indian people pertaining to specific events and times as America developed into a nation. When reading those words, one begins to wonder what would America be like today if someone would have listened and acted on what Indian tribes proposed.

[1] Vine Deloria, "The Indian Student Amid American Inconsistencies." The Schooling of Native America, page 78

In conversations with Indian people involved in education today, the discussion eventually includes what can be done to advance the education of today's children. One must return to the speeches and writings of the past 150 years to find the answer. As a person reads the "quotes" in this document, the discussions and speeches being made today have the same content as in the past. So, what does this mean for Indian education today? These speeches promote the idea that the education model on Indian reservations has to involve Indian parents, tribal government officials, and the Indian community. The leadership in school administration, school board policies, and in the classrooms must promote an American Indian perspective. History supports this idea.

When a person looks at the successful education models on Indian reservations in Montana today, the examples are Heart Start and tribal colleges – the beginning of the education process and ending with a college degree. The main ingredient in the success of these education institutions is that Indian parents and Indian leaders determine the outcome. The middle component of this education continuum in the education process, the public school, continues to create a model that fits into every other institution in Montana and that model does not advocate the best of the reservation talents, culture, history or involvement of Indian parents and tribal leaders. History has demonstrated that until all three components of education – the beginning, the middle and the end – involve representatives of the largest student composition in reservation education institutions, Indian people will continue to struggle.

One answer to what can be done to promote success for Indian children in reservation education institutions, we once again return to the writing of Vine Deloria, Jr., The Indian Student Amid American Inconsistencies. He writes:

> The best way that we can initiate this change is to begin to work on the content of education, and not on the techniques and procedures of education. We must initiate the study of tribal customs on a grand scale and they must be taught at school on an equal basis with any other academic subject. But they must not be confined to the school or classroom. They must be under the constant discussion with the community itself and subject to continual and disciplined use by the people. Perhaps the first feature of revival would be to begin comprehensive studies of the old clan and kinship patterns, and establish social rules for the reinstitution of some of the old patterns of kinship responsibility. There is no good reason why we cannot expect every Indian to accept the old social responsibilities for his extended family, and why we cannot enforce social responsibilities for relatives on a deliberate and measurable scale of behavior. …

Deloria continues:

> We need not, in Indian education, concern ourselves with much subject matter previously considered important. Instead, we must have basic courses of reading, writing and arithmetic, which serve as tools for the real educational experience of learning the traditions, customs and beliefs of the tribal community. We have no use for the knowledge of the names of the Presidents of the United States, and the sequence in which they held office is certainly abstract to us. We must substitute for them the listing of the great chiefs, headsmen and leaders of our communities. We must know about their lives as accurately and intimately as we know about George Washington and Abraham Lincoln. We must understand that we stand in the tradition and have a responsibility to carry it forward. If we can change our concept of education to include the specifically Indian things of life, we have only to wait and soon we shall see that we are in many ways far ahead of the rest of society.

In 1999, as one century ended, the Montana Legislature passed into law HB528. In March 2000, as the next century begins, the Montana Board of Public Education established the goals for implementation of this law. Let the wisdom of past and present Indian leadership guide the process so all students will find success in each education institution in Montana. Perhaps the goals of this law will be an opportunity for Montana education leaders and those involved in the education process to create a meaningful curriculum and dialogue as articulated by Vine Deloria, Jr.

Chapter One – Colonization of Indian Tribes

Indian tribes had their own education system(s) in place prior to 1492. Indian education consisted of specific roles played by each member of the tribe(s) that centered on survival as a group of people. The transfer of knowledge from elders to the young, from men to boys, from women to girls, and encompassing the history, culture and religion created an education curriculum that was documented in an oral tradition of communication.

Raymond Cross explains "Traditional Indian education emphasized learning by application and imitation, not by memorization of basic information. It also emphasized learning by sharing and cooperation, as compared with an American education that emphasized competition and hardy individualism. Tribal histories told and re-told an Indian people's origin myths and how they spurred that people to great deeds. They located the Indian children within a loving and caring natural environment. Etiquette, including an abiding respect for his elders, was also a central part of an Indian child's traditional education."[2]

American Indian Policy

History of American Indian policy in education includes the belief that a process for the transmission of knowledge and a communication system always existed among the many diverse tribal people's that lived on the North American continent from the beginning. The transmission of knowledge was a formal process that included and overcame language barriers of the many Indian groups, religious differences, adapted lifestyles for the surrounding environment and a social system that would benefit the majority. This transmission of knowledge is through the education system that a group develops to assure its culture, history and way of life are not forgotten and that the tribe continues to exist.

Raymond Cross, Associate Professor of Law, University of Montana, Race and Higher Education, states that "American Indian education, like the dismal state of the weather in Mark Twain's famous aphorism, is much discussed, but no one does anything to improve it! Doing something about the dismal state of Indian education requires that we confront deeply embedded historic, cultural, and legal biases. These biases have long frustrated attempts to reform Indian education. …"

[2] Raymond Cross, UALR, Race and Higher Education, page 947

Dr. Henrietta Whiteman-Mann, at the 1972 National Indian Education Association (NIEA) conference in Seattle, stated that "contrary to popular belief, education – the transmission and acquisition of knowledge and skills – did not come to the North American continent on the Nina, Pinta and Santa Maria…We Native Americans have educated our youth through a rich and oral tradition, which was – and is today – transmitted by the elders of the tribe." In reflecting back to the context of this statement, one has to realize that Indian people survived on this continent thousands of years before the arrival of the Europeans. Like all people in the world, to survive as a group there has to be a system to pass down the knowledge of the group from one generation to the next, and this system must extend into decades.

Understanding the History of Indian Education

Tom Thompson, a past NIEA National Indian Educator of the Year, in The Schooling of Native America, asks the question – "How did the schooling of Native America get into this deplorable state? To understand this fully we must check further into the historical record." Thompson further states that:

> From the arrival of the white man up until the last two decades, Indian education has rested in the hands of church and state. Through their combined influence, the Native American has been systematically denied his Native identity. Two eras emerge: the period of missionary domination from the sixteenth to the nineteenth century, and the period of federal government domination from the late nineteenth until the mid-twentieth century.
>
> In 1611, the predominantly French Society of Jesus became the first group to bring European education disciplines to Native Americans. Active in the Great Lakes region and along the St. Lawrence and Mississippi Rivers, they were the precursors of Spanish Franciscans who accompanied the conquistadors into New Mexico, Texas, Arizona and California. These European religious groups created mission communities and schools for the Indian populations. English Protestants began establishing school and colleges for the education of Indian and English youth on the eastern coast in 1617. Throughout the late eighteenth century, the Central Midwest and Pacific Northwest were partitioned among competing Christian denominations for the twin purposes of Christianizing and civilizing "savage", "unsaved" Indian population.
>
> If the mission schools started the process of alienation, the federal government completed it with the policy of assimilation in the late nineteenth century. Its goal was the absorption of Indian youth into the mainstream of American life. Its fruits were a further loss of unique Indian qualities and cultural identity.

An Intrusion Process

Dr. Willard Bill, From Boarding School to Self-Determination, states:

> American Indian and Alaskan Native educational systems were broken as a result of an intrusion process. Traditional oral modes of education consisted of training youth by prayer, storytelling, memory skills, and listening. As the intrusion process swept across North America, the traditional educational format of the Native American was interrupted. Tribal education systems were being broken from time of contact (early 1500's) to at least 1871, which marked the end of the treaty-making process between the United States government and Indian tribes.

Involuntary Minorities

Raymond Cross further states American Indians are classified by sociologists as among those "involuntary minorities" who were coercively incorporated into American society. Many American Indians have sought to retain their traditional cultures and ways even in the overwhelming presence of an antagonistic and alien American society. When the "ethnic succession" model was extended so as to facilitate their assimilation into American society, that experiment of assimilation was a dismal failure.

Cross continues, this dismal failure evidences the need for a new American promise. This new promise would reaffirm the ancient inherent right of the American Indian people to educate their children. The realization of this new American promise will require the shared and concerted efforts of federal, state, and tribal educational leaders. The three elements of this new American promise are as follows:

1) Sovereignty guaranteed by the "domestic, dependent nation" status of American Indian tribes allows tribal communities to reconstruct American Indian education consistent with their values, needs and traditions.

2) Traditional American Indian education may provide the "yardstick" for the reconstruction of the social and economic life of those tribal communities that may choose to assume control of their educational institutions.

3) The trust duty that compels the federal and state governments to respect the unique cultural and education status of American Indians also insulates American Indian educational programs from strict judicial scrutiny.

Colonization of Indian Tribes in Montana

Although early traders and trappers had contact with Indians, it was not until the Lewis and Clark team "found" the trail to the Pacific Ocean did white men begin to populate the West in large numbers. The discovery of gold and other minerals, the building of the railroad, and the end of the Civil War, further contributed to the settlement of the West throughout the 1800s.

Artificial Boundary Lines

As other groups of people entered and settled into Montana Territory, conflicts between Indian tribes and white people erupted and created conflicts. These conflicts continued because white people created boundaries on their land and Indians did not recognize boundaries in their hunting patterns. In Montana: A History of Two Centuries, Drs. Michael P. Malone and Richard B. Roeder state, "the artificial boundary lines later drawn by whitemen meant nothing, of course, to migratory Indians. Their hunting lands had only vague boundaries, and they freely invaded one another's territory. So the place we call 'Montana' was often visited by neighboring tribes from all points of the compass."

Montana Indians Their History and Location, Historical Overview of Montana's Indians section, published by the OPI, documents:

> ... Most of the Indian people came to what we know as Montana in search of better hunting grounds. ... The boundaries of Indian tribes were not fixed. No one tribe owned land as we know it, but each claimed its use and a specific hunting territory. Stronger tribes often dominated their neighbors. With the acquisition of the horse, the Plains Indians (as they are categorized by historians) became more mobile and more efficient hunters.
>
> The Plains Indians moved around in fairly regular patterns, most often following the buffalo, which was the mainstay of their existence. The buffalo provided them with most of their meat, clothing, shelter, and utensils. In the warm weather, they moved freely hunting the buffalo. In the winter, they selected well-protected areas for extended encampment. This pattern of life existed as long as there were abundant buffalo and the freedom to move across the plains.
>
> The coming of the white man threatened the Indian's way of life. The main reason for Indian-white conflict was the total disruption of the Indians' use of land, not his ownership of it. If we wonder why the Indian people fought so fiercely, perhaps we can understand it better if we recognize that they were trying to protect and maintain their culture.

Chapter Two – Indian Treaty Period

"What the citizens of the United States would want from the Indians was the same as their European predecessors had desired: to secure possession of Indian land and natural resources for personal use, and establish trade relations that would allow a mutual exchange of surplus products. The role of the central government would be to work out in treaties with the Indian tribes a system by which this could take place in as orderly a way as possible."[3]

Declaration of Independence

Even one of the first documents of the United States outlines the misunderstanding, myths and misconceptions that the Europeans had about Indian people. The U.S. Declaration of Independence includes this clause, "… He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions. …"

Documents Establishing Tribal Sovereignty and Treaty Rights

Article 1, Section 8 of the U.S. Constitution reads, "The Congress shall have power to… regulate commerce with foreign Nations, and among the several States, and with Indian Tribes. …"

In Northwest Ordinance of 1787, the United States pledged to provide a suitable education for the American Indian peoples. Article III of the act states, "Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools, and the means of education, shall be forever encouraged. The utmost good faith shall always be observed towards the Indians. …" Federal Indian education policy began during President Washington's time in 1792 with the Seneca Nation, as part of the government's historical policy of trying to "civilize" the American Indian. The United States included education provisions in most treaties they negotiated with Indian tribes.

The supreme law of the United States clearly recognizes the governmental status of Indian tribes and creates the basis for the unique federal relationship with tribal governments.

---

[3] History of Indian Policy, Treaties and Indian Trade, page 32

The Supreme Court, the president and the Congress have repeatedly affirmed that Indian tribes retain their inherent powers of self-government.[4]

The incorporation of the Indian lands into the American property system was essential for the realization of 19th-century visions of America's destiny. Thomas Jefferson, as champion of the social agrarian movement, promoted the commercialization and appropriation of western Indian lands as the basis for founding an independent-minded "yeoman" class of freehold farmers. By contrast, William Gilpin focused in 1846 on the idea of progress and manifest destiny when he wrote: "The untransacted destiny of the American people is to subdue the Continent – to rush over this vast field to the Pacific Ocean…to establish a new order in human affairs."[5]

The above-mentioned documents became the basis for the U.S. Congress to enter into treaties with Indian tribes in exchange for land held in common by Indian people and to open those parcels of land to non-Indians willing to move west to populate the nation.

Treaties

In Government to Government, it explains… "When European settlers came to America, they dealt with the tribes as sovereigns and often negotiated treaties with them. Hundreds of treaties between Indian nations and the United States have been negotiated by the president and ratified by two-thirds of the Senate. Indian treaties have the same status as treaties with foreign nations. Because such treaties are made under the U.S. Constitution, they take precedence over any conflicting state law. Terms of the treaties are upheld by the U.S. Supreme Court, although the Court has ruled that treaties may be unilaterally abrogated by Congress. Treaties vary widely in their terms and provisions. They commonly included a guarantee of peace, a provision of land boundaries, a guarantee of hunting and fishing rights, education of Tribal members, and a statement that the tribe recognized the authority of the United States and, in return, received a promise from the United States of protection."

[4] Government to Government, NCAI/NCSL, June 2000
[5] Stephen Cornell, The Return of the Native: American Indian Political Resurgence, pages 37-38

Boundaries Established

The boundaries established for Indian tribes in these negotiated treaties became commonly known as "reservations." Dr. Willard Bill states "the American Indian tribes ceded over a billion acres of land, and tribes were assured that the federal government would deliver educational services, medical care, and technical and agricultural training."

The Act of March 3, 1819, stated:

> ... for the purpose of providing against further decline and extinction of the Indian Tribes, adjoining the frontier settlements of the United States, and for introducing among them the habits and arts of civilization, the President of the United States shall be, and he is hereby authorized, in every case where he shall judge improvement in the habits and conditions of such Indians practicable, and that the means of instruction can be introduced with their own consent to employ capable persons of good moral character, to instruct them in the mode of agriculture suited to their situation; and for teaching their children in reading, writing, and arithmetic, and performing such other duties as may be enjoined, according to such instructions and rules as the President may give and prescribe for the regulation of their conduct, in the discharge of their duties.[6]

Treaty Period Ends

Treaties between the U.S. Government and Indian tribes ended in 1871 when Congress passed a legislative rider that attempted to limit the power of the president to enter into treaties with Indian nations.

Once the Treaty Period between the Congress and Indian tribes ended, and as more people moved west, available land became even more sparce for many of the newcomers. Among the factors that made it difficult for farmers to expand their landholdings were drought, forests that had to be trimmed, large game animals lived on the plains, conflicts between all ethnic groups, transportation of goods and equipment and differences in lifestyles between agriculture, livestock and miners.

Newcomers to the west began to notice that Indian tribes still retained large masses of land that could be used for their benefit should the U.S. Government approve. The lack of agricultural and livestock on the reservations was created because the language in treaties was not fulfilled by the United States, equipment and animals as promised did not arrive, and the new dependency on the federal government by tribes created a situation where much of this land was not used for economic purposes.

---

[6] A History of Indian Policy: Treaties and Indian Trade, pages 45-46

Indian Treaties – State of Montana

Treaties with tribes in Montana Territory did not begin until 1855, more than 70 years after the first treaties were negotiated in the eastern portion of the United States.

Loss of Land Base

In a conversation with Darrell Kipp, a Blackfeet Tribal Historian and Language Specialist he stated:

> The effect of the treaty period to tribes in Montana was the huge loss of millions of acres. As an example, when the Blackfeet Tribe signed the Treaty of 1855, they remained in control of about 28,000,000 acres; however, because of Presidential proclamations, treaties and agreements after 1855, the Blackfeet Tribe's land base was reduced to its current 1.5 million acres. Viewing the loss of this land base from a different perspective, the locations of the Ft. Peck Indian Reservation, Ft. Belknap Indian Reservation and Rocky Boy Reservation, and all the land surrounding these reservations today, are located in what was the original Blackfeet Territory in 1855.

Indian Commerce Clause

The Indian Commerce Clause of the U.S. Constitution gave Congress, not the states, plenary or absolute authority over Indian tribes. Only Congress can repeal treaties, eliminate reservations, or grant the states jurisdiction over Indians on reservations. Montana only has the power over Indian affairs within Indian country that Congress specifically grants. The state of Montana only has power in Indian country if Congress has delegated power to it or if the exercise of state authority is not preempted.[7] The state of Montana has, however, passed legislation that allows the state to enter into compacts and agreements with tribal governments for specific services, programs and citizens' rights.

The state of Montana only has power in Indian country if Congress has delegated power to it or if the exercise of state authority is not preempted. The test of preemption pertains to the Court evaluating a piece of legislation that is already heavily regulated by the federal government against the interests of the state and federal/tribal interests.

[7] Tribal Nations in Montana

Education Clause Included in Treaties

Conflicts between Indian tribes and white people continued to escalate in Montana Territory, so the U.S. government continued to sign treaties with Indian tribes. Each of the treaties and agreements signed in Montana Territory between the U.S. government and Indian tribes – 1851, 1855, 1896, others – contained a provision that education would be provided to tribal members. In some cases it outlined very specific actions for education, such as hiring practices. The 1896 Treaty Agreement between the Blackfeet Tribe and the United States (which ceded land that would eventually become Glacier National Park), Article III states, "It is agreed that in the employment of all agency and school employees, preference in all cases be given to Indians residing on the reservation, who are well qualified for such positions. …"

Enabling Act – Montana Constitution

Montana moved from a "Territory" to a "State" in 1889 when it ratified its constitution. The 1889 Constitution carried a provision from the Enabling Act which explicitly acknowledged Congress' absolute control and jurisdiction over all Indian land, including state authority to tax the land, and forever disclaiming title to lands owned or held by or reserved for an Indian or for Indian tribes. The 1972 Montana Constitution carried forward the 1889 provision, and included Article X, section 1(2) which recognizes "the distinct and unique cultural heritage of the American Indians" and commits the state in its educational goals to "the preservation of their cultural integrity."[8]

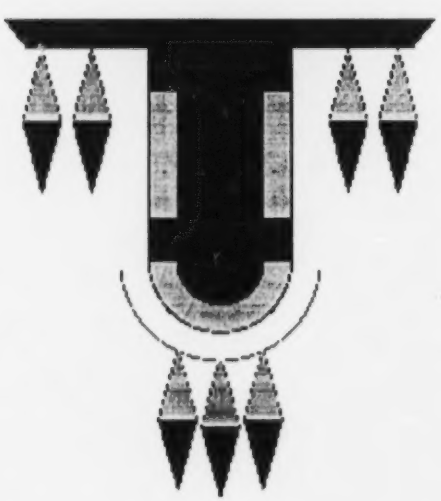
Treaties with Montana Tribes Ends

Between 1778 and 1871 the U.S. Senate ratified 370 Indian treaties, but at least another 45 were negotiated with tribes but not ratified by the U.S. Senate. Since 1871 the president has recognized and given federal status to other Indian tribes and established new reservation boundaries through Presidential Executive Orders. Indian tribes in Montana would again lose large areas of their land bases because of Presidential Executive Orders. Today there are seven Indian reservations and 13 federally recognized Indian Nations in Montana. Little Shell Band of Chippewa Cree Indians received federal recognition in 1999 after more than 100 years of negotiations.

Vine Deloria, Jr., in The American Indian Student amid American Inconsistencies, states:

Indian Education has been built upon the premise that the Indian had a great deal to learn from the white man; the whiteman representing the highest level of achievement reached in the evolutionary process. The white man's religion was the best, his economics superior, his sense of justice the keenest, his knowledge of history the greatest. The Indian's task was to consume bits and pieces of the white man's world in the expectation that some day he would become as smart. The totality of the white man's knowledge was supposed to encompass the wisdom of the ages, painfully accumulated by a series of brilliant men.

In the old treaty-signing days, many Indians came to feel this superior knowledge gave the white man his right to do what he did. Bows and arrows were useless against guns. Ponies could not outrun trains. Iron kettles were superior to earthen pots and hides. So education provisions were written into the treaties, and from tribe to tribe people began to slowly change their ways to conform to the white man's way of doing things. The expectation that one day the fuzzy picture would clear and the Indian would stand as equal to the white man grew over the generations. Today, when we are asked what our problems are, we continue to reflect this ancient belief. "Give us more education," we cry, "and we can become self-sufficient."



[8] The Tribal Nations of Montana: A Handbook for Legislators

Chapter Three – Allotment Period and Loss of Indian Land

The Congress was under pressure from the western territories and from settlers for more expansion of the land base for their personal use and ownership. Responding to this pressure, Congress enacted the General Allotment Act of 1887, known as the Dawes Act. The ultimate purpose of the Dawes Act was to break up tribal governments, abolish the reservations, and assimilate Indians into non-Indian society as farmers. To accomplish this goal, Congress decided to divide tribal lands into individual parcels, give each tribal member a parcel, and sell the "surplus" to non-Indian farmers.

Property is the Function of any Society

According to Fay & McNickle:

> The Indian People, without a written language, were rated by early settlers as knowing little about property ownership. Europeans of impeccable moral behavior counted it no blotch upon their record to use their skill in writing to double-deal and overreach the Indians. The primes source of misunderstanding between these representatives of two traditions resulted from their quite different attitudes toward land. When the Europeans found that Indians had no proceedings for recording title, indeed had no titles, they readily assumed that there was no ownership. They assumed Indians ranged the land rather than occupied it. Property is a function of any society. If the European settlers had been able to get the facts, and had been interested in the facts, they would have found that surface areas were recognized, boundaries were respected, user rights were sustained. But nothing in Indian practices required that land be divided up and parceled out under any system of titles.[9]

Between 1778 and 1871 Indian tribes lost the majority of their original territories and land between the Atlantic Ocean and the Mississippi River. Between 1887 and 1934, the U.S. government took more than 90 million acres – nearly two-thirds of reservation lands – from tribes and gave it to settlers, most often without compensation to tribes. Today, Indian tribes hold more than 50 million acres, or approximately 2 percent of the United States.[10]

[9] Harold Fey and D'Arcy McNickle, Indians and other Americans: Haunted by History, pages 20-21
[10] Government to Government, NCAI/NCSL, June 2000

Dawes Act

U.S. Senator Henry L. Dawes of Massachusetts, who as Chairman of Indian Affairs, on February 8, 1887, introduced and Congress passed the General Allotment Act (commonly known as the Dawes Act). The major provisions of the Act authorized:

1. The President of the United States was authorized to allot tribal lands in designated quantities – 160 acres to each family head, 80 acres to each single person over 18 years and each orphan under 18, and 40 acres to each other single person under 18;

2. Each Indian would make his own selection; but if he failed or refused, a government agent would make the selection for him;

3. Titles were continued in trust for 25 years, or longer, at the president's discretion;

4. Citizenship was conferred upon all allottees and upon other Indians who abandoned their tribes and adopted the habits of civilized life; and

5. Surplus tribal lands remaining after allotment might be sold to the United States.

Commissioner of Indian Affairs Morgan reported in 1890: "The settled policy of the government is to break up reservations, destroy tribal relations, settle Indians upon their own homesteads, incorporate them into national life, and deal with them not as nations or tribes or bands, but as individual citizens." He further reported that in that single year, 17,400,000 acres, about one-seventh of all Indian land, had been acquired by the government. He thought it necessary to explain this development:

> This might seem like a somewhat rapid reduction of the landed estate of the Indians, but when it is considered that for the most part the land relinquished was not being used for any purpose whatever, that scarcely any of it was in cultivation, that the Indians did not need it and would not be likely to need it at any future time, and that they were, as is believed, reasonably well paid for it, the matter assumes quite a different aspect. The sooner the tribal relations are broken up and the reservation system done away with the better it will be for all concerned. If there were no other reason for this change, the fact that individual ownership of property is the universal custom among civilized people of this country would be sufficient reason for urging the handful of Indians to adopt it.[11]

[11] Indians and Other Americans: The Developing Dilemma, pages 75-76

Merriam Report

Let us fast-forward to 1926 and the Merriam Report (39 years after the passage of the Dawes Act). Disputes over land ownership, squatter rights, patent-in-fee status, federal trusteeship over different lands, trespass and right-of-ways, and many other issues continued to be brought before the Commissioner of Indian Affairs.

The climate of opinion created by such incidents led the Secretary of the Interior Hubert Work, in 1926 to request the Institute for Government Research (Brookings Institute) to undertake a thorough economic and social study of Indian conditions. Lewis Merriam gathered a staff of advisers from the fields of law, economics, health, sociology, education and agriculture and this group studied not only field conditions, but reviewed files and records and much of the history of Indian Affairs. The result was a report of findings which provided, for the first time, a sober and researching analysis of what had happened to the Indian people under the government's trusteeship and proposed a number of basic recommendations. In general terms, the survey found that:

1. Most of the Indians were poor, many extremely poor;
2. The general health of the Indians was bad and their living, housing, and sanitary conditions were conducive to the development and spread of disease;
3. Tuberculosis and trachoma were prevalent to a distressing degree; the death rate and infant mortality rate were high;
4. In an economic sense, the Indians were backward; insufficient incomes, low standards of living, and an apathetic attitude toward progress were general;
5. The Indians were not yet adjusted to the new economic and social conditions confronting them;
6. They had little knowledge of the value of money and land;
7. The intermittent and generally small incomes from land sales, leases, and per capita payments from tribal funds encouraged idleness and retarded progress; and/or
8. Too much evidence of suffering and discontent to subscribe to the belief that the Indians were satisfied with their conditions.

Looking for the causes in back of these conditions, the Merriam Report found many contributing factors, and in the forefront was the allotment policy:

> Not accompanied by adequate instruction in the use of property, it has largely failed in the accomplishment of what was expect of it. It has resulted in much loss of land and an enormous increase in the details of administration without a compensating advance in the economic ability of the Indians…It almost seemed as if the government assumed that some magic in individual ownership of property would in itself prove an educational civilizing factor, but unfortunately this policy had for the most part operated in the opposite direction. Individual ownership in many instances permitted Indians to sell their allotment and to live for a time on the unearned income resulting from the sale.[12]

Montana – Allotment Period

Indian Nations located in Montana Territory prior to the passage of the Montana Constitution in 1889, held large land bases as negotiated through their treaties with the United States. The treaties assigned tribes to certain areas and obligated them to respect the land of their neighbors. However, the mining invasions of the 1860s disrupted these areas as miners and others rushed into the prime gold fields that often lay along or within the designated tribal lands. The new inhabitants demanded federal protection; this beginning the garrisoning of Montana and the eventual relocation of the tribes to smaller and smaller reserves.[13]

This era also saw federal intervention against the Indian people in Montana Territory, and the final acceptance of reservation life. Among these events included:

- The Battle of the Little Big Horn in 1876;
- The Baker Massacre of the Blackfeet Indians;
- The starvation among tribes because the treaty rations did not arrive;
- Range wars for more land and livestock expansion;
- Chief Joseph and the Nez Perce acceptance of peace at the Bear Paw Mountains;
- Mining interests on Indian lands;
- Expansion of the railroad across Indian land;
- The relocation of Indian tribes to smaller reservation land bases because of Presidential Proclamations and Agreements;
- Whiskey runners and other lawless groups invading Indian tribes;
- Development of small towns adjacent to Indian reservations; and
- Many other situations that negatively affected relationships with Indian tribes.

---

[12] Indians and Other Americans: Measuring Results, pages 96-97

[13] Montana's Indian Tribes

The federal government and the Montana citizens did not understand the lifestyles of Montana's Indian tribes and, therefore, dealt with them from the expectations and from the non-Indian point of view. George Bird Grinnell, a respected Indian scholar, stated:

> (Non-Indians) do not realize that (warfare) occupies but a small part of (the Indian's) existence, or that apart from this he has a communal life and family life on which his well-being depends. He has a wife and little ones whom he loves as we do ours; parents and grandparents whom he respects for their experience and the wisdom derived from it; chiefs and rulers to whose words he listens and whose advise he follows; and spiritual directors, who tell him about the powers which rule the earth, the air and the waters, and advise him in his relation to the force of the unseen world. In other words, his is a complex life, not devoted to one pursuit, but full of varied and diverse interests.
>
> He must provide food for his family, must maintain his position in the camp, and must uphold the standing of the tribe in its relations to other peoples. All these duties call for the exercise of discretion and self-restraint in his living and which can be acquired only by some system of education.

Chapter Four – Federal Boarding School Era

Luther Standing Bear, a Carlisle student, remembers:

Although we were yet wearing our Indian clothes…one day when we came to school there was a lot of writing on one of the blackboards. We did not know what it meant, but our interpreter came into the room and said "Do you see all these marks on the blackboards? Well, each word is a whiteman's name. They are going to give each one of you one of these names by which you will hereafter be known." None of the names were read or explained to us, so of course we did not know the sound or meaning of any of them. Each child in turn walked to the blackboard with a pointer and selected his future Anglo name.[14]

The Beginning of American Education Among Indians

Education opportunity was included in treaties that Indian tribes signed with the United States from the very beginning. Education, however, was usually determined to be that of the American institutions and not a continuation of the education process for community survival that was developed and created by Indians over thousands of years.

American education was offered to Indians as early as 1617 at Moor's Charity School (later Dartmouth College), Hampton Institute and Harvard. In 1723 William and Mary College opened a special house for Indian students. In 1774, two years before there was a United States, William and Mary College invited their Indian neighbors to attend their college. The next day the Indians declined the William and Mary College offer, and stated:

> We know that you highly esteem the kind of learning taught in those colleges, and that the maintenance of our young men while with you would be very expensive to you. We are convinced that you mean to do to us good by your proposal, and we thank you heartily.
>
> But you who are wise must know that different nations have different conceptions of things, and you will, therefore, not take it amiss if our ideas of this kind of education happen not to be the same with yours.
>
> We have had experience of it. Several of our young people were formerly brought up at the College of the Northern provinces. They were instructed in all your sciences. But when they came back to us, they were bad runners, ignorant of every means of living in the Woods…Neither fit for Hunters, Warriors, nor Counsellors, they were totally good for nothing.[15]

---

[14] George Horse Capture, The Indian Industrial School, page 22
[15] Tom Thompson, The Schooling of Native America, page 7

A New Direction

It was about this time period, in 1874, that General Sheridan submitted to President Grant a plan which he thought would compel the Indians to remain on their reservations. He suggested relentlessly pursuing the worst offenders, then "selecting" the worst of the masses and sending them to some remote eastern military fort until they had learned it was hopeless for them to continue further hostilities. Five years later Carlisle Industrial School was opened in Pennsylvania on an abandoned Army base, and Colonel Pratt was selected as the administrator of the school. Pratt was ordered to begin recruiting among the Sioux of the Dakotas, and then continue recruiting from other Indian tribes.

The Rise of the Federal Indian Board School System

Raymond Cross concludes: The federal Indian boarding school system grew out of the Indian peoples' changed status in the late 19th century. They legally devolved from their historic status as semi-independent sovereigns to a governmental wardship status. As federal wards, Indian children were to be federally educated so as to "give the Indian a white man's chance" in life. Manifest Destiny had doomed the American Indian peoples to extinction, or so thought the Board of Indian Commissioners in 1888. Indian education policy had to reflect the reality of the disappearance of the Indian way of life within 20 years time.

> If anything in the world is certain, it is that the red man's civilization will disappear before the white man's civilization, because of the two, it is inferior. The Indian problem, in its fundamental aspects, is then, must the red man disappear with this civilization? Is it possible that in Christian times the Indians themselves have got to disappear with their inferior civilization? I think we can say certainly that unless we can incorporate the red man into the white man's civilization, he will disappear. Therefore, the one question behind the land question, behind the education question and the law question, is, How can we fit the red man for our civilization?[16]

A New Approach – Federal Boarding Schools

American Indians, BIA publication (1984), documents, "… Education of young Indians began to come to the forefront in 1860 with the establishment of the first federal boarding school on the Yakima Reservation in Washington. In 1879, the first off-reservation boarding school for Indians was established at Carlisle, Pennsylvania. Chemawa Indian School in Oregon, Haskell

[16] Raymond Cross, UALR, Race and Higher Education, page 21

Institute in Kansas and Chilocco Indian School in Oklahoma were opened within the next five years. In 1883, the position of Superintendent of Federal Indian Schools was established and 10 years later an act of Congress authorized the Commissioner of Indian Affairs to assign the duties of Indian agent to a school superintendent.

Carlisle Indian School

In an effort to demonstrate the education provided to Indian people in off-reservation boarding schools operated by the federal government, the Carlisle Indian School in Pennsylvania can be used as an example. Carlisle is an important beginning point because it opened its doors in 1879 and closed its doors in 1918. Although Carlisle operated as a school for only 38 years, among many Indian people in Montana, people still say with pride, "my relative attended Carlisle Indian School."

The following excerpts are from George Horse Capture's publication The Indian Industrial School, wherein he writes about the Indian students' experiences at Carlisle Indian School.

The stories of this transitional period involve pain, cruelty, loss, survival and pride. The Carlisle Indian School of Pennsylvania played an important part and fills a unique spectrum in the Indian story. For reasons that history can now view as both good and bad, Colonel Pratt took it upon himself to do what he could foresee as vanquished Indian warriors. His influence over these people tells the story of what might be the first serious attempt to bring "formal" education to them.

R. H. Pratt – Who was he?

After the Civil War, Richard Henry Pratt was sent west to control tribes from blocking the way for white settlement, and to fulfill the government's obligation to protect white settlers while upholding recent treaties with the Indians. Pratt was in charge of the Tenth Regiment Cavalry, or "Buffalo Soldiers," units composed of primarily recently-freed slaves and Indian scouts. It was at this time that Pratt became sympathetic to the injustices being done to both Indians and blacks. Pratt later wrote … "talking with the Indians, I learned that most had received English education in home schools conducted by their tribal government. Their

intelligence, civilization and common sense was a revelation, because I had concluded that as an Army officer I was here to deal with atrocious aborigines."

Student Recruitment

Richard Henry Pratt, 1879, explained the purpose of taking Indians to boarding schools to Spotted Tail of the Sioux Nation:

> There is no more chance for your people to keep themselves away from the whites. You are compelled to meet them. Your children will have to live with them. They will be all about and among you in spite of anything you can do, or that can be done for you by those interested in keeping you apart from our people. Your own welfare while you live and the welfare of your children after you, and all your interests in every way, demand that your children should have the same education that the white man has, that they should speak his language and know just how the white man lives, be able to meet him face to face without the help of either an interpreter or an Indian agent. ...

Pratt continued:

> I propose not only to take your children to the school at Carlisle, but I shall send them out to work and to live among the white people, and into the whiteman's home and schools so that as boys and girls they will be coming into the same classes with white boys and girls and will so learn to know each other, and this will take away their prejudice against the whites and take away the prejudice of the whites against your people and it is the only way to remove such prejudice.

After a lengthy discussion with the other leaders, Spotted Tail finally consented to send five sons and the other leaders supported his decision by agreeing to send their children. In spite of the fact that the local missionaries were not in favor of Pratt's plan, he finally persuaded and convinced Red Cloud and others it was in their children and grandchildren's best interest to be educated at Carlisle, the school he opened back east.

Students Trip Back East

Below is a student's perspective of the trip from the Dakota's to back east, as illustrated in the Indian Industrial School, in order to better understand this experience from the Indian viewpoint.

> After a tearful departure the children experienced their first trip on a steamboat. The noise of the huge paddle wheel kept the children awake as they huddled together in a large room under the deck. Some of the older boys talked about jumping overboard while others sang brave Indian songs. Before the children had time to overcome their fears, they arrived at their first destination where Pratt had secured two railroad cars to take them to Chicago. This part of the trip was even more frightful. One of the children later wrote: "we expected every minute that the house would trip over…we held our blankets between our teeth, because our hands were both busy holding to the seats.
>
> At a station in Sioux City, white onlookers crowded the platforms yelling war whoops and throwing money at the Indian children. Confused by these tactics, the children threw the money back. Later, crowds of laughing spectators interrupted the children's meal until the young Indians finally hid their food in their blankets so they could eat it later. Exhausted and often hungry, the children endured frightening experiences throughout the long trip. At midnight, on October 6, 1879, eighty-two boys and girls in native dress, tired and excited, arrived on the eastern edge of Carlisle.

Before leaving for Dakota Territory to recruit students, Colonel Pratt had requisitioned the Indian Bureau to have food, clothing and other supplies sent to Carlisle Indian School of Pennsylvania for the arrival of children. When he arrived, he discovered nothing had been sent. Ota Kte, or Plenty Kill, a Sioux Indian, described his disappointment:

> The first room we entered was empty. A cast-iron stove stood in the middle of the room, on which was placed a coal-oil lamp. There was no fire in the stove. We ran through all the rooms, but they were the same – no fire, no beds. All the covering we had was the blanket which each had brought. We went to sleep on the hard floor, and it was so cold!

Pratt, with the assistance of others in the community, eventually received rations and equipment to maintain the school.

Curriculum and Extra-curricular Activities

The curriculum at Carlisle Indian School of Pennsylvania was flexible, training each student according to his or her own ability. The training was vocational and academic, and eventually carried students through the 10th-grade level that included instruction in English, chemistry, physics, government, geography, history, advanced mathematics and biology. The

Indians were expected to participate in various extracurricular activities at the school. In addition to the Y.M.C.A. and King Daughter's Circle, the girls could choose between the Mercer Literary Society and the Susan Langtreth Literary Society. The boys had a choice of the Standard Literary Society or the Invincible Debating Society. It would be 10 years before students graduated with a 10th grade education, but because of the death of the students and many returning home, none of the first students were among the graduates.

Carlisle later became famous for its student marching bands, artists and athletic successes against the best colleges in the East, in the Olympics, and other students became professional athletes.

Summarization

George Horse Capture, White Clay People of the Gros Ventre Tribe, states:

> My Indian friends always say that they are proud that their relatives went to Carlisle. In a sense it is something like Yale, or Princeton, or Cambridge, almost mythical, far away from the isolated reservations. They were the chosen. We all realize that most of the myth of Carlisle was generated not by Pratt but by the people there, the Indian people. Foremost among the heroes was Jim Thorpe. When you hear his name one immediately thinks of Carlisle; they are intimately bound together and because Jim Thorpe is our hero, the school that he attended must also be good. And our association with the man and his school honors us. So it can be truthfully said that the memories among reservation people of Carlisle students are good ones. They are proud of their ancestors who went to this far away place and did well.

Horse Capture concludes:

> The quest for a military style strict discipline undoubtedly had a destructive, traumatic effect on all of the children and must have caused tears of shame and anguish. Boarding school memories agree that the Indian students were forbidden to speak their native language, lest they be severely punished. Such unnecessary punishments were instrumental in killing much of our culture.
>
> From a warrior/hunter tradition they were expected to work 12 hours a day, seven days a week, doing laundry, milking cows, plowing the garden and all of these other embarrassing tasks. Now many years later only the pleasure and honor remain, the scars all but forgotten.

The Closing

Pressure from the Indian Bureau and further reduction of enrollment due to World War I forced the inevitable. In the end, it was not the Indian Bureau but the War Department which finally closed the doors. The patriotic necessity of caring for wounded World War I American soldiers had taken precedence over the school's failing programs.

The War Department, which controlled the grounds originally, exercised a right, written into the transfer of the property to the Department of Interior, to revoke the transfer. The original part of the "Old Barracks" once more came under military control.

All was chaos during the summer of 1918. The remaining Indian students were sent home or to other non-reservation schools throughout the United States. On the morning of September 1, 1918 the transfer ceremony took place.[17]

Boarding Schools and Montana

Many members of Montana's Indian tribes were "rounded up" and sent to boarding schools to receive their formal education. Colonel Pratt arrived in Montana in 1890 to "collect" the young people slated to attend this school. The push was to augment the enrollment at Carlisle Indian School of Pennsylvania, and he wanted to increase the participants from each of Montana's reservations from 40 students to about 175 from each agency.

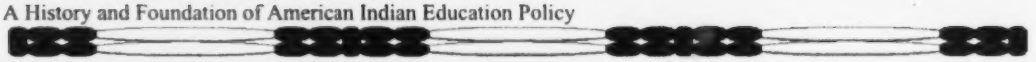
Federal boarding schools continued to be created in other states into the 1900s, and Indian students from Montana continued to attend schools located in Pennsylvania, Nebraska, Kansas, Oklahoma, California, Oregon, South Dakota and other states. The Bureau of Indian Affairs (BIA) began to create schools in Montana after 1900 to allow Indian students to attend an education institution closer to their family. These schools were of two types – one was a complete boarding dormitory with education facilities, and the other was a day school where students attended but lived at home.

Lone Wolf, Blackfoot, explains his experience attending school:

School wasn't for me when I was a kid. I tried three of them and they were all bad. The first time was when I was about 8 years old. The soldiers came and rounded up as many of the Blackfeet children as they could. The government had decided we were to get White Man's education by force.

It was very cold that day when we were loaded into the wagons. None of us wanted to go and our parents didn't want to let us go. Oh, we cried for this was the first time we were

[17] George Horse Capture, The Indian Industrial Schools, pages 89-90



to be separated from our parents. I remember looking back at Na-tah-ki and she was crying too. Nobody waved as the wagons, escorted by the soldiers, took us toward the school at Fort Shaw. Once there our belongings were taken from us, even the little medicine bags our mothers had given us to protect us from harm. Everything was placed in a heap and set afire.

Next was the long hair, the pride of all the Indians. The boys, one by one, would break down and cry when they saw their braids thrown on the floor. All of the buckskin clothes had to go and we had to put on the clothes of the White Man.

If we thought that the days were bad, the nights were much worse. This was the time when real loneliness set in, for it was then that we were all alone. Many boys ran away from the school because the treatment was so bad but most of them were caught and brought back by the police. We were told never to talk Indian and if we were caught, we got a strapping with a leather belt.

I remember one evening when we were all lined up in a room and one of the boys said something in Indian to another boy. The man in charge of us pounced on the boy, caught him by the shirt, and threw him across the room. Later we found out that his collar-bone was broken. The boy's father, an old warrior, came to the school. He told the instructor that among his people, children were never punished by striking them. That was no way to teach children; kind words and good examples were much better. Then he added, "Had I been there when that fellow hit my son, I would have killed him." Before the instructor could stop the old warrior he took his boy and left. The family then beat it to Canada and never came back.

Today, some Montana Indian students still attend federal boarding schools primarily in South Dakota, Kansas and Oregon, but most attend public education systems in their home communities. The BIA continues to operate live-in boarding dormitories in Montana, but students attend local public schools. Tribes now operate other former boarding schools under contract agreements with the BIA.

George Horse Capture shares this story and recent experience:

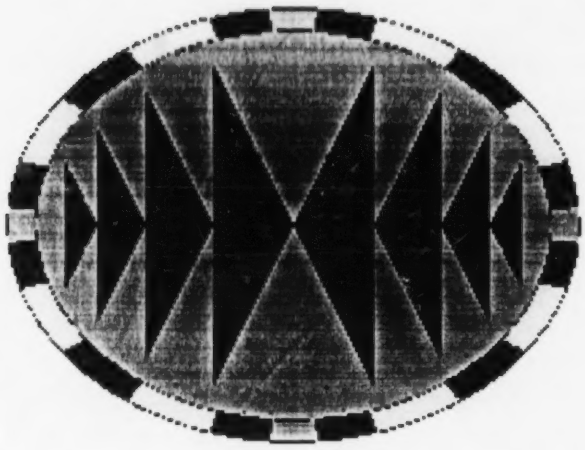
One 4th of July, while visiting at Lame Deer, Montana, on the Northern Cheyenne Indian Reservation, I enjoyed the pow wow. It was a hot Saturday afternoon and the families sponsored a series of specials, one called a "giveaway." A giveaway identifies an activity when a family gets together and saves money and materials all year and gives them away in honor of some member of their family. They give these materials as a point of pride and so people will always remember this important event.

The thing that I'll always remember at this give away is after many speeches one family member said that they wanted to have this giveaway in honor of their young daughter, who just accomplished a wonderful goal; she had just earned her Master's degree! Culminating the event was the honor dance with this bright young woman wearing a

colorful shawl, leading her family and friends in an ancient tribal ceremony. It was a wonderful time for me, because I knew right then that we would survive.

We had made the transition, from the old to the new. Because education is so instrumental to our survival we had just made it a traditional honor to be educated. That was quite a day.

So we continue with our education, and no one knows where the future will take us, but it is a part of our tradition now and we need it for survival. We must remember these old Buffalo Indians who went to Carlisle, for they are our ancestors. We will continue the job they began as our history continues.



Chapter Five – Tribal Reorganization Period

In Government to Government, the definition of federal trust responsibility, one of the most important doctrines in federal Indian law, is derived from the treaties and the European law of nations. It is the obligation of the federal government to protect tribal self-governance, tribal lands, assets, resources and treaty rights, and to carry out the directions of federal statutes and court cases. … The trust responsibility has also been acknowledged in the Snyder Act of 1921, which requires that the Bureau of Indian Affairs, under the supervision of the Secretary of the Interior Department, "to direct, supervise, and expend such moneys as Congress may from time to time appropriate, for the benefit, care and assistance of Indians throughout the United States," for several purposes, including education.[18]

Indian Citizenship Act

Congress passed the Indian Citizenship Act on June 2, 1924 (35 years after Montana became a state), which states, in part:

> That all noncitizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States: provided, that the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property.

This Act came largely in response to American Indians being drafted into service during World War I after Congress realized that Indian treaties had a provision that forbids Indians from raising arms against their enemies. This Act completed a process for Indian citizenship that was already in place through treaty provisions, through statutes granting citizenship to the individuals of specified tribes, land allotments and other special legislation.

[18] Government to Government, NCAI/NCSL, June 2000

Indian Reorganization Act

The Indian Allotment Act, Indian Citizenship Act and the Merriam Report prompted Congress to review and assess its approach to its treatment of American Indians. On June 18, 1934, the Congress passed the Indian Reorganization Act. The Indian Reorganization Act was introduced in the House by Sen. Wheeler of Montana and Congressman Howard of Nebraska (commonly referred to as the Wheeler-Howard Act). The Act provided:

1. No lands still in tribal ownership shall be allotted in the future;
2. An annual appropriation of $2 million for the purchase of lands, such purchases to be held under trust and exempt from taxation;
3. Lands that had been withdrawn from tribal ownership for homestead settlement but not entered might be returned to the tribe, at the discretion of the Secretary of the Interior;
4. That conservation practices be adopted with respect to timber, grass, and other natural resources;
5. Authority for a revolving credit fund of $10 million from which loans might be made to tribes incorporated for credit and other purposes;
6. That the Secretary of the Interior assist Indian tribes in adopting written forms of government, to exercise "the inherent powers of Indian Tribes" and certain additional specified powers;
7. For loans to Indians for the payment of tuition and other expenses in recognized vocational and trade schools, high schools and colleges; and
8. That the Secretary of the Interior establish standards for employment "without regard to civil service laws, to the various positions maintained, now or hereafter, by the Indian office," and that Indians meeting such non-civil service standards "share hereafter have the preference to the appointment to vacancies in any such positions."[19]

Tribal Constitutions

It has always been understood during the past 150 years by Indian tribes, and reaffirmed by the U.S. Supreme Court, that Congress has plenary power to legislate Indian affairs and may exercise this power to curtail or eliminate tribal powers. Felix Cohen coordinated the most intensive research of all existing treaties and statutes to determine what municipal powers of the

[19] Indians and Other Americans: Redeeming the Past, pages 38-38

Indian tribes had been specifically limited or terminated. The results of this study formed the basis for Indian Tribal Constitutions, and beginning in 1934 the following conditions were written into those constitutions:

- to determine their form of government, which might follow customary law, or might take written form;
- to administer justice, the tribal jurisdiction being limited by acts of Congress which had placed 10 specified major crimes under the jurisdiction of the federal courts – crimes of misdemeanors and civil action involving one Indian against another in Indian country remained within the jurisdiction of the tribe;
- to determine tribal membership. Congress caused final rolls of membership to be made for some tribes, but in the absence of congressional action the general power remained with the tribe;
- to levy taxes on tribal members and to levy fees on nonmembers doing business on tribal property;
- to exercise the usual authority of a landlord, including the right to exclude persons not members of the tribes; a definition of their territory;
- to regulate domestic relations, provide for the adoption of children, etc.; and
- procedures for organizing a governing body and providing for the manner of calling and conducting elections.

In the next few years, 135 constitutions were written and adopted by vote of the tribes. In basic design the tribal constitutions were similar, yet each differed in significant details. Some tribes provided a voice for their traditional chiefs or headmen; others held elections for a kind of business committee to deal with current affairs.[20]

Wheeler-Howard Act

The Indian Reorganization Act also provided that tribes, after adopting a form of government, might apply to the Secretary of the Interior for a charter of incorporation. Such a charter conveyed the power to own, manage and dispose of property, within legal limitations. A charter, once issued, might not be revoked except by Act of Congress.[21]

Describing the Wheeler-Howard Act as the most important piece of Indian legislation since the 1880s, Commissioner of Indian Affairs John Collier, in 1934, commented:

> It not only ends the long, painful, futile effort to speed up the normal rate of Indian assimilation by individualizing tribal land and other capital assets, but it also endeavors to provide the means, statutory and financial, to repair as far as possible, the incalculable damage done by the allotment policy and its corollaries…The repair work authorized by Congress under the terms of the Act aims at both the economic and spiritual rehabilitation

[20] Indians and Other Americans: Redeeming the Past, page 41
[21] ibid

> of the Indian race. Congress and the President recognized that the cumulative loss of land brought about by the allotment system had robbed the Indian in large part of the necessary bases for self-support.[22]
>
> They clearly saw that this loss and the companion effort to break up all Indian tribal relations had condemned large numbers of Indians to become chronic recipients of charity; that the system of leasing individualized holdings had created many thousands of petty landlords unfitted to support themselves when their rightful income vanished; that a major proportion of the Red race was, therefore, ruined economically and pauperized spiritually.[23]

Most tribes give legislative authority to a tribal council. In some tribes, the tribal council members are elected by district; in others, they are elected at-large. The council generally has authority to write tribal laws, and in some tribes the council members have administrative duties. Most tribal constitutions also provide for an executive officer, called a tribal chairman, president, governor or chief.[24]

Johnson O'Malley Act

Congress authorized the Johnson O'Malley Act of April 16, 1934, which greatly facilitated the policy of cooperation with other agencies, authorized the Secretary of the Interior to enter into contracts with states or territories for "the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians in such state or territory." By later amendments the authority was enlarged to permit contracts with "any state university, college, or school…or any appropriate state or private corporation, agency or institution."[25]

Many states proved eager to take the available federal subsidies for Indian education, but they were not as eager to provide the required cultural support services that would allow Indian children to succeed in public school settings. Although the Johnson O' Malley program resulted in the transfer of thousands of Indian children into the public school system, it did not successfully meet the education needs of the American Indian students.

> Bureau educators were very dubious about the motives of the state public school systems. Principally they feared that public schools were more interested in the money that Indian enrollment would add to their school budgets than in the Indian pupils themselves. They

---

[22] ibid
[23] Indians and Other Americans: Redeeming the Past, page 44
[24] Government to Government, NCAI/NCSL, June 2000
[25] Cross, pages 960-961

knew that many schools were in serious financial difficulty and were eager to receive additional funds.

The challenge for Bureau educators were twofold: Could they retain sufficient control over the funding and administration of public school programs to ensure that the type of education needed by Indian pupils would be provided? Given the trend of increasing the state control of JOM programs, could they teach state administrators the unique approach necessary for Indian students before the states took over?...

By the 1960s then, it had become apparent that the concern of Bureau leaders in the 1930s over public school funding for Indian education had been justified.

Their predictions that the state school systems would be more interested in the additional money than in the Indian students had proven correct. This situation continued to exist for so many years largely because those who are directly affected by the aid – Indian pupils, parents and communities – had never been consulted. Throughout most of this period the question of Indian involvement was not even raised.[26]

Two federal studies concluded that the Johnson O' Malley program had never resulted in its intended educational benefits to Indian students.

The failure of federal aid between 1928 and 1973 is illustrated dramatically by the tragic effect it had on Indian children in public school. Throughout these four decades, one of the most persistent problems was that of poor attendance and high dropouts. Lack of motivation, general defeatism, and a semi-nomadic pattern of existence – all these combined to make the Indian child feel there was no reason for attending or continuing school. Consequently, the Indian level of achievement remained well below the national average.[27]

Montana – Reorganization Period

The Tribal Nations in Montana, a Handbook for Legislators, explains the Indian Reorganization Act (IRA) as it pertains to Montana tribes:

Prior to the arrival of the Europeans, tribal governments varied from the highly complex, as represented by the Iroquois League, to the less formal, as represented by the tribes of the Great Basin deserts. However, within this range of complexity were certain common characteristics: the interaction of the political with the religious; the importance of the tribe over the individual; and consensus decision making. With displacement and the confinement of tribes on reservations and the establishment of the Indian agent system by the federal government, traditional tribal governing structures were forcibly suppressed.

[26] Cross, Race and Higher Education, pages 961-962
[27] Cross, Race and Higher Education, pages 962-963

In 1934, the federal government passed the IRA in an attempt to reestablish tribal self-government, but basing it on a western European model. The BIA drew up a standard constitution that established a representative form of government that tribes were free to adopt and that almost three-fourths of the tribes did adopt, with limited expression of historic tribal governing principles. Tribes that adopted IRA constitutions have revised them over the years to reflect individual tribal concerns and to exercise greater tribal autonomy; however, the constitutions still retain many of the original provisions.

One result of the IRA was the creation of a single tribal government for more than one Indian tribe. This occurred because in some instances, the federal government had placed more than one tribe on a single reservation. In Montana, an example is the placement of the Assiniboine and the Sioux together on the Fort Peck Reservation. The IRA did not allow for separate governments for each tribe. In order to retain some cultural identity, some tribal governments have made constitutional provisions for elected representatives of each tribe to serve on the tribal council.

Approximately 30 percent of the tribes in the United States chose not to come under the IRA. In Montana, the Crow Tribe rejected the IRA in factor of a general council form of government, in which each enrolled tribal member has a vote if the member attends the general council meeting. The general council elects the tribal officers who are responsible for the day-to-day operation of the tribal government.

As examples: The Blackfeet Tribal Business council elects its nine-member council. The nine members elect their executive committee. The Tribal Council is responsible for the executive, legislative and judicial functions governing the tribe and they make all the decisions. The Crow Tribal Council elects its executive committee who then become responsible for the executive and judicial functions of the tribe. The people are responsible for the legislative functions of the government, and they meet at quarterly meetings to vote on the agenda items.

In a 1948 report to President Herbert Hoover under the heading "Things That Have Worked," the report concluded:

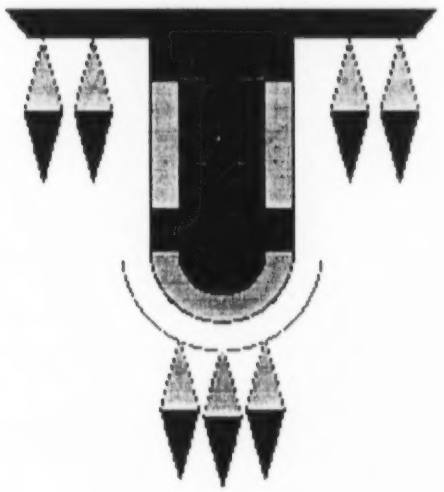
A third experience that is encouraging is the effort under the Indian Reorganization Act to establish self-government among the Indians. The Act marked the end of the attack on Indian institutions. To attempt to revive ancient institutions, in the 20th century, if there was such an effort, was a mistake, as has been noted. But the end of cultural hostilities and the effort to establish self-government in tribal or village communities have been all to the good. Not a little of the machinery of government is creaking. Some of its design is perhaps more influenced by the past than by present problems, and should be scrapped for later models, but there can be no doubt about the soundness of applying the principle of self-government to Indian problems.

Indian leadership is developing. Indian people are analyzing their problems, and assessing their condition in a realistic way that is very promising. Some of them see very

clearly that they can do more for themselves, with very reasonable assistance, than Uncle Sam would or could do for them. The dividends from this investment in self-government are just beginning to come in, and there are some real weaknesses in the system as it stands, but Indian self-government is clearly a potent instrument if wisely used.

Assessment of the Indian Reorganization Act have been controversial, but some things have worked without apparent pressure on the Indians during the Collier period, and immediately thereafter. ..."[28]

Tribal governments in Montana today still maintain a process for electing their leaders, and most still operate from IRA style constitutions, although modified, in running the business of their tribe.



[28] A History of Indian policy, pages 152-153

Chapter Six – Termination of Indian Tribes

In 1953, Congress passed House Concurrent Resolution 108, which implemented a new direction in federal policy toward Indians. Sen. Arthur Watkins (Utah), the major spokesperson for Resolution 108, expressed the philosophy of the termination policy: "Philosophically speaking, the Indian wardship problem brings up basically the questionable merit of treating the Indian of today as an Indian, rather than a fellow American citizen... "As rapidly as possible" we should end the status of Indians as wards of the government and grant them all the rights and prerogatives pertaining to American citizenship."[29]

Termination of Indian Tribes – "The Final Solution"

Dr. Willard Bill, From Board School to Self-Determination, discusses the termination period of American Indians:

> At the close of World War II there was a movement to revert Bureau policies to a prior era. The U.S. Congress began to use specific language in their deliberations regarding termination. In 1944 a house select committee on Indian Affairs offered recommendations for achieving "the final solution of the Indian problem."... The Committee Report stated, "The goal of Indian education should be to make the Indian child a better American, rather than to equip him simply to be a better Indian." By 1948 the Commissioner of Indian Affairs was setting up criteria for determining a tribe's readiness for withdrawing from Federal Services...The termination goal was to have tribes rid themselves of Indian trust land and to terminate federal recognition and services. Indians would leave the reservation and relocate in cities.
>
> The government continued to withdraw services during the 1950s. In 1952 the Bureau of Indian Affairs closed all of its federal schools in Idaho, Michigan, Washington, and Wisconsin. ... The Menominees of Wisconsin became the first tribe slated for termination by the federal government on June 17, [1954]. Menominees had an advanced economic development program in the areas of forest land investment and a sawmill operation. ... Other tribes terminated during this period included the Klamaths of Oregon, and tribes in Utah, Texas, Nebraska and Oklahoma. Transfer of law enforcement, social services, education, economic development and other functions were turned over to the states.

[29] Ardy Bowker, Sisters in the Blood, pages 20-21

Termination List Completed

House Concurrent Resolution (HCR 108), the 83rd Congress, 1953, named specific tribes that were to be terminated "at the earliest possible time." It also named certain states where all the tribes were to be "freed from Federal supervision." In these states, named specifically, all offices of the Bureau of Indian Affairs were to be closed "upon the release of such tribes and individual members thereof from such disabilities and limitations ..."[30]

In 1954, hearings were held on the tribes mentioned in HCR 108, with some extras thrown in. These hearings on termination bills were held with representatives of the House and Senate Indian Affairs subcommittees sitting together. Of the states mentioned in HCR 108, the Bureau was able to withdraw completely only in Texas. Texas had been relieved almost completely of its Indian problem over 100 years previously when her Indians were removed to Oklahoma Indian Territory.[31]

Resistance to HCR 108

By 1954, the resistance to the termination policy statement by the Congress was in full swing, particularly among Indian groups and friends of the Indian groups. The Washington Post article stated:

> Congress has run into a storm of protest against some of the Indian bills it has under consideration. When hearings on the so-called termination bills were held recently, tribes from 21 states and Alaska are said to have sent to Washington the largest gathering of Indians ever to appear here. Complaints are continuing to flow in by mail and telephone and personal visits. Some of the tribes appear to be almost frantic over the suggestion that they be freed from Indian Bureau supervision – and aid.[32]

Harold E. Fey, in his argument against the Termination Bill, HCR 108, stated:

> ... The bills deriving from H.R. 108 do more than withdraw federal trust from Indian properties placed on tax rolls. They also terminate the application of the Indian Reorganization Act of 1934, abolish tribal constitutions and corporations based on that law, abrogate federal-Indian treaties, and impose the breakup of tribal properties into individual parcels. But the basis of the Indian's apprehension is that these bills threaten his land. He remembers what happened as a result of the Indian Allotment Act of 1887; Indian landholdings shrank from 139 million to 48 million. ...[33]

---

[30] A History of Indian Policy: Indian Relocation and Tribal Termination, page 172
[31] Ibid, pages 172-173
[32] Ibid, pages 174-175
[33] ibid, page 177

Termination of Montana Tribes

The Bureau completed its list of tribes that it recommended to Congress to be terminated under HCR 108. Among the tribes listed were:[34]

- Blackfeet (except for a minority)
- Flathead
- Fort Belknap
- Fort Peck (except for a minority)

By 1960, 61 tribes had been terminated. In 1968, President Lyndon Johnson's message to Congress on Indian affairs called for federal support of Indian involvement in Indian affairs and an end to the termination policy:

> I propose a new goal for our Indian programs: a goal that ends the debate about termination of Indian programs and stresses self-determination; a goal that erases old attitudes and paternalism, promotes partnership self-help.[35]

The suffering of tribal peoples and Indian Nations created in the language of House Concurrent Resolution 108 was effectively ended. No tribes in Montana were terminated.

Little Shell Tribe of Montana

The Little Shell Band of Metis received recognition as a Federal Tribe in the Year 2000. The Little Shell Band documented its legal status and tribal needs for more than 100 years, and they now have the ability to provide the same services and programs to their members as all other federally recognized tribes in Montana.

[34] The History of Indian Policy, pages 169-171
[35] Ibid, page 176

Chapter Seven – Beyond Indian Self-Determination

After 400 years of experience as the oppressed native peoples of our country, it is time we implemented the concept of self-determination as Native Americans and assert control over our lives. By controlling the education of our young through Native American Studies, we are molding the Native American of tomorrow, with attributes of warrior, scholar, and community activist. But this total Red Man, the finished product, can only result through us as Native American educators taking the initiative to incorporate time-tried perspectives into the new academic sphere of Native American Studies.[36]

Era of Self-Determination

To get beyond Indian self-determination as Indian education enters the 21st century, we must first return to the beginning of self-determination in this modern era in order for us to understand why we are at this place in this time period.

In 1970, President Richard Nixon presented his Indian message to Congress where he called for a new federal policy of "self-determination" for the American Indian people. Congress responded to this message by enacting into law several new Indian statutes that confirmed the inherent sovereign powers of the Indian people and sought to establish a meaningful "government-to-government" relationship between federal agencies and the Indian people. Two outcomes from the president's message that impact education were eventual passage of the self-determination statutes in PL 93-638, The Indian Self Determination and Education Act (1975), and PL 100-297, the Tribally Controlled Community College Act (1978).[37]

In a review of the effects these two pieces of legislation had on Indian education, one returns to the following dialogue from the "Indian Control of Education" section of the Office of Public Instruction publication From Boarding School to Self-Determination, authored by Dr. Willard Bill, for the period of 1970 to 1990:

> Education innovations which had their impetus in the 1960s found their fruition in the 1970s. Indian communities and Alaskan villages began to develop their own educational programs open to enrollment by Native American youth …
>
> American Indian and Alaskan Native leaders perceived that schools controlled by their community would have a built-in cultural relevance which would strengthen the self-concept of students. After years of struggling to inform elected officials and educators of

[36] Henrietta V. Whiteman, The Schooling of Native America: NAS, the University & the Student, page 116
[37] Cross, page 963

the unique status of the American Indians, they realized that an Indian-controlled school was necessary to provide validity to native culture. The Indian-controlled school, by its very nature of organization, is held accountable to the local Indian leadership.

The teachers and administrators understand their role in enhancing the culture, self-concept, and confidence of Indian youths entrusted to their teaching. With the tribal council or village council in control there is an incentive for the teacher to promote cultural relevance. ...

... The fact that these Indian-controlled schools increased enrollment ... was evidence that tribal schools were meeting an important need of which Indian tribes had been deprived for the prior one hundred years.

Post-secondary education was included in the educational plans of Indian communities, beginning in 1968 with the creation of Navajo Community College. Tribally Controlled Colleges are controlled by the Indian community and provide valuable training to meet the demand for skilled workers in industry, tribal development, social/welfare services, and education. The American Indian Higher Education Consortium emerged as a national organization to facilitate communication between these tribal colleges, develop legislation to provide resources for program operation, and to provide technical assistance to regions of the United States that want to develop Indian-controlled institutions of higher education.

A Three-Legged Stool for Indian Education

Ray Cross states that President Nixon's Indian message in 1970 set the stage for what he refers to as the new "three legged stool" of Indian education. "Restructing Indian education in the 21st Century requires the fulfillment of an old covenant between the Indian peoples and the federal government. The potential revitalization of this covenant is based on three educational 'shoulds':"

1. The state governments "should" view public school education as requiring the fair and accurate representation of the American Indian people within their history and social studies curricula for the benefit of Indian and non-Indian students alike.
2. The federal government "should" view the education of the American Indian as its continuing trust duty that extends from the K-12 grades through higher education for qualified Indian students.
3. The tribal governments "should" view the education of their tribal members as a fundamental goal of tribal self-determination, co-equal with their responsibility to protect and preserve their natural and cultural resources.

Creating this new "three legged stool" of American Indian education need not be an arduous or expensive undertaking. Substantial legal and treaty authority would sustain these undertakings by federal, state and tribal education authorities.[38]

The First Leg: Making the American Indian "Visible" Within the State K-12 and Higher Education Systems

American Indians have been largely invisible within America's K-12 and higher education systems… Most public school districts do a poor job teaching their students about American Indians, even within the large Indian Country states … existing public school curricula restrict the discussion of contemporary American Indian issues to a brief mention within history, social studies, and literature classes. Such discussions are further circumscribed by the little information available about American Indians in textbooks approved by local boards of education. Rarely are contemporary Indian life or the major contributions of Indians to American life discussed or taken seriously by public school teachers. None of these books discusses the American Indian peoples' aspirations to self-determination within their territories today. …[39]

The Second Leg: Redefining the Federal Government's Role in American Indian Education

Reason also exists for optimism regarding the federal government's role in American Indian Education. President Clinton's Executive Order of August 6, 1998, on American Indian education assigns the lead responsibility for improving the quality of American Indian education to the Department of Education. This executive order is the culmination of lengthy negotiations by the administration with many interested Indian organizations. … This executive order requires the administration to develop a comprehensive Indian education policy in consultation with tribal leaders and Indian educators within two years. Its preamble recites the "unique legal and political relationship of the Federal Government with the tribal governments" and recognizes the "unique educational and culturally related academic needs of American Indian and Alaskan Native students. …

The Third Leg: The Tribal Role in Reconstructing American Indian Education

Tribal governments have, of course, the primary responsibility for ensuring the appropriate education of their tribal children. Unfortunately, tribal governments have focused historically on protecting their lands, waters and other resources against loss or destruction. They have not considered tribal education as within their portfolio of sovereign responsibilities. That oversight must be addressed by tribal governments and some evidence shows tribal governments are seeking to put tribal education "on par" with their other sovereign responsibilities. …[40]

---

[38] Raymond Cross, American Indian Education, pages 963-964
[39] Ibid, pages 964-965
[40] Ibid, pages 972-973

Raymond Cross concludes:

> We need to do more than talk about reforming American Indian education, we need to do something about it! Reconstructing American Indian education in the 21st Century will be a slow and painful process. It will require long-term effort, as well as legal, economic, and ethical initiatives on behalf of American educational leadership. But this effort, if forthcoming, will be worth it and America's Indian peoples will finally gain a share in the education of their children.[41]

Montana – Preparing for the 21st Century

The Vietnam War ends. Protests in the streets are replaced with groups combining efforts for social change. Indian activism becomes the headline in the newspapers and on television as the American Indian Movement fights for treaty rights and ends with the take over at Wounded Knee, South Dakota. Indians occupy Alcatraz Island. America celebrates its 200th birthday. Man walks on the moon. Computers become the choice for communication. The New York Stock Market tops 10,000 for the first time ever and remains bringing riches to many. President Clinton speaks at the Pine Ridge Indian Reservation in South Dakota bringing attention to those forgotten by America's economic gains. Native American Studies Departments are created at Institutions of Higher Learning across America. The United States experiences an energy shortage. A President of the United States resigns from office. And these events influenced and promoted changes in education institutions for Montana.

Indian education in Montana's public school systems on Indian reservations becomes important during this same 30-year period. At the state level, self-determination in Indian education surfaces to the top of the agenda under the leadership of Earl Barlow and Dwight Billedeaux. Under their leadership, the Johnson O'Malley Program began to establish Indian parent committees that determined which programs would be funded at the local school level on each Indian reservation in Montana. The first conference of many statewide Indian education organizations becomes an annual event and continues to provide an opportunity for educators and parents to become familiar with successful programs and activities throughout the state of Montana.

Montana wrote its new Constitution in 1972. Indian educators, leaders and students testified before the members of the Constitutional Convention to remember tribal culture, history, languages and Indian education as the Constitution is formulated. The Constitution

continued the Enabling Act which explicitly acknowledges Congress' absolute control and jurisdiction over all Indian land ... held by or reserved by the Congress. Montana went even further than any other state in the union when it included Article X, Section 1(2), which states, *"The state recognizes the distinct and unique cultural heritage of the American Indians, and is committed in its educational goals to the preservation of their cultural integrity."*

Moving Beyond Indian Self-Determination in Education

In the Introduction of her book, Sisters In the Blood, Dr. Ardy Bowker gives us some thoughts to consider:

> Among the most serious problems confronting Indian educators and tribal groups is that American Indian children have the highest drop-out rate among all ethnic minority groups in the nation. Current statistics suggest that 50 percent of all American Indian students now enrolled in school will not graduate. Research further indicates that American Indian females are more likely to drop out than Indian males. ... The question becomes, Are we as American Indian people willing to continue to accept this notion of success for some and failure for others? We need to ask ourselves, Is there a way we can guarantee success for all children? Can we in good conscience accept that 50 percent of our children will continue to fail in our schools? Is the middle-class Anglo culture the only yardstick we can use to measure success and failure in schools?
>
> Further, we need to ask ourselves, is it always the purpose of American Indian schools to transmit the Anglo culture? Is it our responsibility to educate our children to give up their "Indianness" in order to be successful in school and in today's society? And finally, are we willing to accept the deficit model as a sufficient explanation for the success or failure of American Indian children in School?

As Indian education moves beyond self-determination, three models may help answer the questions posed by Dr. Bowker, and will, hopefully, reduce the extremely high drop-out rate that still exists among Indian students in Montana's public school system.

[41] Ibid, pages 972-973

1. HB 528, MCA-20-1-501

The 56th Montana Legislature passed into law HB 528, codified as MCA 20-1-501, an Act implementing Article X, Section 1(2), of the Montana Constitution.

Rep. Carol Juneau, who resides on the Blackfeet Indian Reservation and is an enrolled member of the Three Affiliated Tribes of North Dakota, introduced the bill to encourage public school districts, especially those on or near Indian reservations, to ensure that certified teaching personnel have an understanding of the history, culture and contemporary contributions of Montana's Indian people. Every Montanan, whether Indian or non-Indian, is encouraged to learn about the distinct and unique heritage of American Indians in a culturally responsive manner. The bill has three sections:

1. Section One of this bill declares that it is the constitutionally declared policy of the state to recognize the distinct and unique cultural heritage of American Indians and to be committed to its educational goals to the preservation of their cultural heritage. The bill also encourages every local educational agency to work with those Indian tribes that are in "close proximity" when providing instruction, implementing an educational goal, or adopting an educational rule to include specific information on the cultural heritage and contemporary contributions of Montana's Indian people.

2. Section Two defines American Indian studies as meaning instruction pertaining to the history, traditions, customs, beliefs, ethics, and contemporary affairs of American Indians, particularly Indian tribal groups in Montana. Instruction is further defined by this bill as constituting a formal course of study developed with the advice of Indian people, an inservice training component developed by the superintendent of public instruction in cooperation with Indian educators, in-service training provided by the local school district in cooperation with education departments and tribal community colleges, or in-service training developed by professional educational organizations in cooperation with Indian educators.

3. Section Three states local districts may require their certified teaching personnel to complete a course of instruction in American Indian studies.[42]

2. Public Education Policy in Article X,1(2) and HB 528

In recognition of Montana's Constitution which provides the state's education institutions the guidance for their services and in support of the need to strengthen the understanding and relations between Montana's Tribal Nations and the State of Montana, the Board of Public Education, the Office of Public Instruction, and the Office of Higher Education have developed

[42] Cross, page 968-969

action plans to address the recommendations given by the Board of Public Education. Included among their education goals is a commitment to:

a. Provide opportunities in its schools for all Montana's students to gain an awareness and understanding of the unique culture, heritage, and contemporary issues of American and Montana Indians;

b. Provide the educational personnel and its leadership with opportunities through training and supportive service to be better prepared to teach American/Montana Indian students in the state's classrooms;

c. Support strategies to promote recruitment and retention of American Indian teachers in Montana's public schools to increase the percentage of Indian teachers from the current 1.9 percent as of 1999;

d. Provide a model curriculum and recommended supportive resources of Montana Indian History, culture and contemporary issues approved by the Montana Advisory Council on Indian Education (MACIE) and make this curriculum available to all its public schools K-12 along with assessment strategies to be utilized for accountability guidance for these schools and OPI; and

e. Provide guidance in their Professional Development Program to ensure that the state's educational personnel have available appropriate opportunities to learn about American/Montana Indians to better prepare them to provide leadership and instructional support to students in meeting this policy's commitment.

3. Indian Language Immersion Schools

In remembering how education institutions in the past history of America had a deliberate process for the elimination of Indian languages and how they implemented processes to totally destroy every means of Indian culture and identity, America had almost achieved its goal. Mr. Darrell Robes Kipp, Blackfoot, became concerned that of the several languages spoken on the Blackfeet Reservation, the Blackfoot language was the least used. He and Dr. Dorothy Still Smoking founded the Piegan Institute to revive the Blackfoot language in Montana. From the Piegan Institute Language Immersion Schools developed. The Immersion Schools are:

a) created as formal educational institutions to develop curriculum, instructional units, teaching materials and total language immersion in their schools;
b) constructed in areas that are in close proximity to their students and are easily accessible for families;
c) staffed by administrators, faculty and other employees that are all Indians. Self-identify of Indian staff by the students is an important component in the success of academic challenges;

d) well supported by the families. Discipline problems are almost non-existent because parents and elders are a natural part of the audience in the classroom;
e) receiving higher academic scores on standardized tests as administered by school psychologists and counselors;
f) increasing their enrollments and need for more schools as their enrollment lists expand beyond the number of students selected for participation in the program; and
g) supported by the elders of the tribes in Montana, throughout the United States, and in Canada.

There are many models for teaching Indian students available today, and more are being developed each year. The three models of education discussed in this section, if fully implemented, bring Indian Nations and the state of Montana beyond self-determination as we enter the 21st century. The future success of Indian students in academic institutions will depend on the amount of involvement local education institutions and decision makers insist Indian people and tribal governments are involved.

When asked how the Immersion Schools first developed, Darrell Kipp stated "... after years of frustration attempting to bring the Blackfoot Language into the public school systems and consistently being denied, I decided one day why do I need to ask permission? If the Blackfoot Language is to survive, and I am to be a part of that survival, then I just need to build my own schools." His school promotes respect for each other and for others, pride in being an Indian, and includes the community as special contributors to the school.

As the education systems for Indian students develops in the public education institutions in Montana, we, as Indian people, need to be the solution not part of the excuses why it cannot be accomplished. As Darrell Robes Kipp states, ***we do not need to ask permission***.

Epilogue

New Direction for Public Education on Indian Reservations

As Montana's public education institutions move into the 21st century, educators must begin the process of building upon the success of the past in order for change in systems that will be institutionalized to educate all Montana students.

Public schools began to operate on Indian reservations in Montana in the early 1900s. Although public schools were originally opened to meet the educational needs of non-Indian children residing on Indian reservations, Indian students began to enroll almost from the beginning. The public schools provided an opportunity for Indian people to receive an education in their local communities. The curriculum and instruction in public schools was, and continues to be, designed to meet the standards of the state education system. The curriculum offered limited information on the local Indian culture, history and traditions of the local tribal groups, and it did not encourage participation from local tribal government officials in its decisionmaking policies.

Indians Given Access to Public Schools

As more Indian students enrolled in local public schools it created a smaller enrollment at the federal on-reservation boarding schools, the local BIA day schools and the mission schools. As the enrollment decreased in federal and mission schools, and the costs of educating less students increased, many of the BIA day schools and mission schools closed.

As more Indian students enrolled in these public schools, the state of Montana became concerned with the cost of educating Indian students. The states brought their concerns to the attention of the Congress. The federal government began to provide funding sources to public schools on reservations to assist with the increased education costs of Indian students. Congress responded by the passage of legislation and appropriations, including the Johnson O'Malley Act (see pages 31-32).

Has Montana Succeeded in Educating Indian Students?

How well the state of Montana has responded to the education of Indian students can be judged by recent reports provided from public schools located on Indian reservations to the Office of Public Instruction. Many of these reports indicate that the current system is not working for a large majority of its Indian students. The drop-out rates continue to be extremely high, the scores on standardized tests are mostly below the benchmark for the state, curriculum and instruction is not oriented toward promoting Indian culture and history, and the local Board of Trustee system still does not promote involvement of tribal governments and their officials.

The question then becomes, is there a better system that meets "... the unique cultural heritage of the American Indian? ..." This publication does not attempt to answer that question, but, rather, provides insight into some of the history of educating Indian students in Montana and leaves it to the imagination of the reader to create that other system that can provide a more successful model.

As the education community creates new policies and curriculum standards that its institutions are encouraged to meet, it is important to include the Indian community and tribal governments in its decision making process at the local level. Montana currently does a good job of educating most of its students, but it is important to remember that it is not meeting the educational needs of many of its Indian students. Perhaps this publication will bring a better understanding of what has happened in the past and what will need to be accomplished in the 21st century to bring Indian students into the education model designed by the state of Montana.

About the Writer

This publication is written by Stan Juneau and is based on his research of documents, publications and includes his conversations with respected educators of Indian students. Stan is an enrolled member of the Blackfoot Tribe from Browning, Montana. He is the third of eight children born to Margie and Edmond "Snackery" Juneau.

Stan is a graduate of Browning High School. In his senior year of high school he visited with his guidance counselor and teachers about his desire to attend and graduate from college and return to Browning High School as a teacher. He was informed that it would be better for him to attend vocational school in Kansas because he did not have the academic preparation to be successful in college. After high school he attended Haskell Institute in Kansas, but later returned to Montana and enrolled in college. Today, Stan has bachelor's degrees in vocational rehabilitation and related services, and in business education from the former Eastern Montana College. He received his Master of Education Degree in School Administration from the University of Montana. Stan returned to Browning Public Schools where he was employed and certified as both a teacher and administrator for 20 years, and later retired from Heart Butte Schools as their superintendent.

In 1966, Stan completed his vocational education studies at Haskell and moved to Oakland, California on the BIA Relocation Program. In Oakland, he met Carol Cross whom he married and they have two children, Denise and Ron. While in Oakland, and later as a student at Eastern Montana College, Stan became involved in social change for Indian people through demonstrations, protests and the media, advocating that America must live up to its promises as stated in treaties and policies, an advocacy he continues today. He believes that positive social change, and an opportunity for Indian people to benefit from the many opportunities America has to offer, must be through an education process. However, he is a firm believer that education must be on Indian terms and it must involve Indian parents and tribal governments to be successful. This document supports his belief.

Stan is a retired Montana school administrator, and he and his wife, Carol (also a retired school administrator), are the owners of CCJuneau & Associates, a small consulting business. Today, Stan Juneau still resides on the Blackfoot Indian Reservation and continues to be involved in social change and Indian education.

Chronology of Important Dates in Indian Education

The following are lists of dates and events that illustrate the history of major Congressional acts and systems for controlling Indian tribes through an education institution that was geared toward the creation of changes to their lifestyles. In the beginning, these events involved the religious organizations of America and early contact with European settlers but were eventually sanctioned by the U.S. Congress and, later, the states. This chronology will demonstrate that the involvement of Indian tribes in formal educational process(s) throughout the history of the United States is older than the Declaration of Independence and the Constitution.

1539 Lectures of Francisco de Victoria at the University of Salamanca, Spain, advocating that Indians were free men and were exempt from slavery. They were to be dealt with through treaties and fair trade.

1568 Society of Jesus establishes a school in Havana, Cuba for Indians of Florida.

1617 Moor's Charity School founded as a training school for the education of youth of Indian tribes of English youth and others at Lebanon, Connecticut (later becomes Dartmouth College).

1619 Virginia Company started the first mission schools. Abandoned in 1622.

1723 William and Mary College opens special house for Indian students.

1775 Continental Congress approves $500 to educate Indians at Dartmouth College.

1778 On September 17, 1778, the first treaty between the United States and an Indian Nation was signed with the Delawares.

1802 Congress approves appropriations – not to exceed $15,000 annually - to "promote civilization among the savages." Cherokees and Choctaws soon develop their own systems of schools and academies.

1803 $3,000 was appropriated to "civilize and educate the heathens ..."

1819 Early Civilization Fund authorized by Congress is given to the Indian agencies for the purpose of having Christian missionaries "civilize" and "Christianize" the American Indian population in the amount of $10,000. Missionaries continued to receive the "civilization funds" until the 1870s.

1824 Indian Service Department (BIA) created in the War Department.

1831 The Cherokee were forcefully removed from Georgia to Indian Territory in Oklahoma. This removal began the destruction of the sophisticated education systems developed by the Cherokee, Choctaw, Creeks, Chickasaws, and Seminoles.

1832 Post of Commissioner of Indian Affairs established in the War Department.

1834 Department of Indian Affairs organized under the Indian Trade and Intercourse Act of June 30, 1834.

1842 Number of federal Indian schools reaches 37.

1849 Department of Indian Affairs placed in the Department of the Interior because of the nature of the Indian lands.

Gold discovered in California. Indian people lost most of their possessions, tribal members and land base. The Mission Schools in California survived with one-tenth of their former members.

1860 First federal boarding school established on the Yakima Indian Reservation in Washington State.

1865 Congressional committee recommends creation of boarding schools away from Indian communities, with emphasis on agricultural training for students.

1870 Federal appropriations of $100,000 authorized to operate federal industrial schools for Indians.

1871 Treaty making period with Indian Nations ends.

1873 Congressional appeal of missionary society subsidies.

1877 The Board of Indian Commissioners included educational statistics in their annual report creating a base line for measuring progress of Indian education.

1878 First 17 young Indians released as prisoners of war from Fort Marion, Florida, begin to attend Hampton Normal and Industrial Institute at Hampton, Virginia. Special "Wigwam" building constructed in the same year for Indian students, who would continue to attend the school until 1923.

1879 Carlisle Indian School established at Carlisle, Pennsylvania, by Colonel R. H. Pratt at an abandoned Army barracks, constituting the first off-reservation Indian school enrolling children from the West and Midwest. Many Indian students from Montana attended.

1880 Chemawa Boarding School for Indian children opens in Salem, Oregon. Many Indian students from Montana still attend.

1881 Number of federal Indian schools reaches 106. (By 1892, 12 boarding schools would be established which would suppress use of Indian languages and practice of Indian religions.)

1882 Congress provides that abandoned military posts be turned into Indian schools.

Haskell Institute established at Lawrence, Kansas. Many Indian students from Montana still attend.

1884 Congress prohibits the sending of Indian children to schools outside the state or territory of their residence without the consent of their parents or natural guardians, and forbids the withholding of rations as a technique of securing parental consent in an act of August 15.

1885 Congress provides that Indians cannot be taken from a school in any state or territory to a school in another state against their will or written consent of parents.

Moravian mission school established at Bethel, Alaska.

Lumbees establish their own school system in North Carolina.

1887 Lumbees establish Old Main Indian College, Pembroke, North Carolina.

1889 Montana Territory receives statehood status. The Enabling Act is included in the State of Montana Constitution.

1890 Federal tuition offered to public schools to educate a few Indian children.

Thomas J. Morgan published a code of "Rules for Indian Schools" which indicated that government schools were only intended to be a temporary provision to serve Indian students until they could attend white schools. It marked the beginning of the practice of sending certain Indian children to public schools.

1892 Commissioner of Indian Affairs authorized to make and enforce regulations pertaining to attendance of Indian children at schools established and maintained for them.

Federal teachers and physicians placed under U.S. Civil Service.

1906 Congress abolishes Oklahoma Cherokee school system.

1916 Uniform course of study introduced into all federal Indian schools.

1918 Federal educational services limited to children of one-quarter or more Indian blood under the terms of the Appropriation Act of May 25, 1918.

1920 Indian students in public schools out number students in federal schools for the first time.

1921 Snyder Act is passed by Congress. This act authorized program services to Indian people through the Bureau of Indian Affairs, still a primary legislative authority for the financial resources of the BIA schools today.

1924 Congress declares Indians as citizens of the United States.

1928 Meriam Report. This report was critical of the BIA school system and altered the federal approach to Indian education.

1933 Indian Emergency Conservation Works Program (IECWP) which provided vocational training to Indians. There were 85,000 Indians served in the IECWP between 1933 and 1942.

The Board of Indian Commissioners is disbanded by executive order.

1934 Johnson O'Malley Act. This act authorized the Secretary of the Interior to make contracts with any state territory, political subdivision and other non-profit agency for the education, medical attention, agricultural assistance and welfare of Indians. The impact of the act was to get states to take an interest in the education of Indians by providing federal aid to states to ease the impact of tax-free Indian lands on a state's willingness to provide a variety of services to Indians.

1950 Impact Aid and Public School Construction Amendments. Grants provided through these acts afford general operating resources to public school districts enrolling Indian children whose parents either live or work on federal property. By amendments to these two pieces of legislation many eligible school districts become those which enroll Indian children living on Indian reservations.

1952 Congress passes a program to relocate Indians away from the reservations in line with the impending policy of termination of United States - Indian relations with some tribes.

1953 House Concurrent Resolution 108 inaugurates Termination Era. The BIA ends operation of all federal schools in Washington, Idaho, Michigan and Wisconsin. The BIA boarding schools, however, are expanded.

1956 Congress expands vocational educational program of adult Indians residing on or near reservations on August 3, designed to strengthen the relocation program of Indians.

1960 President Dwight D. Eisenhower instructs the Secretary of the Interior to accelerate efforts to provide schools for all Indian children.

Rocky Boy School opens in Montana under an Indian Board of Education.

1962 Institute of American Indian Arts created in Santa Fe, New Mexico, using remodeled facilities of an older boarding school to provide high school arts programs and post-high school vocational arts program. Many Indian students from Montana still attend.

1965 Elementary and Secondary Education Act. This act was designed to benefit all disadvantaged youth in America. In 1966, Title I of this act was amended to include the BIA. Title III was also to include the BIA. Title IV provided for regional education laboratories for development of new and more effective programs for Indian students, both public and federal.

1966 First Indian Teacher Corps project begun at Niobrara, Macy and Winnebago, Nebraska, in Indian Country. Montana participates in 1968.

1967 The BIA establishes National Indian Education Advisory Committee.

1968 Number of federal Indian schools reaches 226.

Sen. Robert Kennedy begins Senate probe into Indian education.

Navajo Community College, the first in the nation, founded in Tsaile, Arizona

President Johnson directs BIA to establish advisory boards at all its schools.

1969 Indian Education: A National Tragedy – A National Challenge, Special Senate Subcommittee Report on Indian Education released recommending increased Indian control of education, creation of an exemplary federal school system, and establishment of a National Indian Board of Education.

1970 National Indian Education Association, a union of Indian teachers, educators and scholars, formed in Minneapolis, Minnesota.

President Richard Nixon announces an era of Indian control over decisions affecting Indians, including the field of education.

Haskell Institute becomes Haskell Indian Junior College at Lawrence, Kansas.

1971 Began the formation of Tribally Controlled Community Colleges throughout the United States. Montana began their involvement with Tribally Controlled Community Colleges from 1975 to present. Currently, there is a Tribally Controlled Community College on every reservation in Montana.

1972 Montana ratifies its new Constitution. The Constitution carries forward the 1889 provision from the Enabling Act. Article X, section 1(2) "The state recognizes the unique and distinct cultural heritage of the American Indians and is committed in its education goals to the preservation of their cultural integrity." Montana is the only state among the 50 in having an explicit constitutional commitment to its Indian citizens.

Indian Education Act of 1972. The U.S. Department of Education provides direct funds for the special needs of all Indian students in public schools with 10 or more Indian students (Now known as Title IX Indian Education). Priority funding given to Indian tribes and organizations in use of discretionary program money. The National Advisory Council on Indian Education was established to oversee provisions of the law, set program priorities and assess Indian education throughout the federal establishment. The Act enabled the U.S. Department of Education to begin active work with Indian community colleges. Set-asides were authorized for training of teachers of Indian children.

American Indian Higher Education Consortium formed in Boulder, Colorado, by members of the Boards of Regents of the new Indian community colleges.

First members of the National Advisory Council on Indian Education appointed by President Richard Nixon, under terms of the Indian Education Act of 1972.

First annual statewide Johnson O'Malley Conference in Billings, Montana.

1975 Congress passed the Indian Self-Determination and Education Assistance Act.

Montana's Indian Culture Master Plan was developed and presented to the state in an effort to remedy under-achievement of Indian students in the public school system.

1982 Johnson O'Malley Conference changed to Montana Indian Education Association.

1984 The Board of Public Education establishes the Montana Advisory Council on Indian Education.

1989 Montana School Accreditation Standards and Procedures Manual refers specifically to the needs of American Indian children in directing that schools shall "nurture an understanding of the values and contributions of Montana's Native Americans and the unique needs and abilities of Native American students and other minority groups."

Office of the Commissioner of Higher Education, Montana, began the TRACKS Project which eventually created the Office of Minority Achievement.

1990 The Plan for American Indian Education in Montana: Recommended Goals is completed by MACIE.

The Opening of the Pipeline Conference on Higher Education and Native American Studies.

1999 The Montana Legislature passes into law HB 528 to implement Article X, section 1(2) of the Constitution, MCA 20-1-501 Recognition of American Indian cultural heritage.

First statewide Indian parent conference organized by Indian Education Specialist, Office of Public Instruction. Organization named Voices of Indian Communities for Education (VOICE) created.

First statewide Legislative Forum on Indian Education Issues.

2000 Montana Board of Public Education approves recommendations to implement the legislative intent of HB 528.

Montana Indian Education Association changes name to Montana-Wyoming Indian Education Association.

Montana hosts its first Conference on Race with special emphasis on education of Indians and other minority students.

Metis Indians, after more than 100 years of petitioning the United States government, receive federal recognition as a tribe.

Quotes and Publications Used in Booklet

In the completion of this document, many writings and publications of many people were reviewed, as well as many tribal, state and federal government documents published over the past 30 years. The writings and publications of these historians and scholars made the writing of this document a personal pleasure. I want to give a special thank you to the contributors of the written articles used in this document, including the publications and quotes found in:

Harold Fey and D'Arcy McNickle, Indians and Other Americans

Government to Government – National Congress of American Indians and National Council on State Legislators

Drs. Mike P. Malone and Richard B. Roeder, Montana: A History of Two Centuries

Montana Indians, Their History and Location, Historical Overview of Montana Indians, published by the Office of Public Instruction, Helena

American Indians, Bureau of Indian Affairs publication, 1984

Connie Erickson and Eddie McClure, The Tribal Nations of Montana, A Handbook for Legislators

Dr. Ardy Bowker, Sisters in the Blood, The Education of Women in Native America

Dr. Willard Bill, From Boarding Schools to Self-Determination, Office of Public Instruction publication, Helena

Race and Higher Education, publication by Raymond Cross, J.D., Law Professor, University of Montana, Missoula

The Schooling of Native America, published writings by Indian scholars, Tom Thompson, facilitator

George Horse Capture, The Indian Industrial School

Federal, State and Tribal Government documents and publications of Congressional hearings

Indian Scholars and Historians Quoted from their Writing(s) Each has a Special Connection to Montana

Raymond Cross, J.D., Law Professor, University of Montana, Missoula, Montana. Enrolled Member of Hidatsa and Mandan Tribes, Three Affiliated Tribes of North Dakota.

Dr. Henrietta Mann, Professor and Endowed Chair, Native American Studies, Montana State University, Bozeman, Montana. Former Professor and Director of Native American Studies at the University of Montana. Enrolled member of Southern Cheyenne Tribe of Oklahoma.

Tom Thompson, M. Ed., Education Consultant, retired school administrator and Indian Education Leader. Enrolled member of Blackfoot Tribe of Montana.

Dr. Willard Bill, Education Consultant and Indian Education Leader in the state of Washington. Enrolled member of the Mukelshoot Tribe.

Darrell Robes Kipp, M. Ed., Blackfoot Historian and Language Specialist and founder of three Blackfoot Language Immersion Schools. Enrolled member of the Blackfoot Tribe of Montana.

Vine Deloria, J.D., Author, historian, attorney and nationally recognized lecturer. Enrolled member of the Sioux Tribe of South Dakota.

George Horse Capture, Master's Degree, museum curator, historian and American Indian Researcher documenting specific events through pictures. Enrolled member of the White Clay People of Ft. Belknap, Montana.

D'Arcy McNickle, Master's Degree, historian and author. Enrolled member of the Salish-Kootenai Tribes of Montana.

Dr. Ardy Bowker, Montana State University professor, lecturer, author, education administrator. Member of the Cherokee Tribe in Oklahoma.

Special Thanks

And a special thank you to Carol Juneau, for reviewing and commenting on each draft copy, and for asking the proverbial question, "What does this mean?" and for reminding me "who is your audience?" Carol is my wife and business partner. She is an enrolled member of the Three Affiliated Tribes of North Dakota.